

# H E R R I C K

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October 9, 2014

Via ECF

Honorable Denise L. Cote  
United States District Court for the  
Southern District of New York United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *In re Application of The Coalition To Protect Clifton Bay and Louis Bacon for an Order Pursuant to 28 U.S. C. § 1782 to Conduct Discovery for Use in Foreign Proceedings, 14 Misc. 258 (DLC)*

Dear Judge Cote:

We are the attorneys for Respondent Stephen J. Feralio. Pursuant to the Court's direction at the September 11, 2014 court conference, we write to update the Court regarding our efforts to review and produce materials to Nygard International Partnership and Nygard Inc. responsive to the subpoena issued by Petitioners, The Coalition To Protect Clifton Bay and Louis Bacon.

For the period October 2, 2014 - October 8, 2014, Mr. Feralio devoted approximately 40 hours to reviewing and cataloguing responsive materials. Over the course of the week, Mr. Feralio reviewed approximately 2,191 video and other electronic files and designated approximately 872 files as responsive. Many of the files included in this production are electronic files responsive to Request No. 3 which seeks all documents related to Nygard Cay.

Per the Court's instructions in its memo endorsed order dated October 2, 2014, we held a conference call with the parties to discuss whether there should be a system that Mr. Feralio should adopt to organize and prioritize his review. We suggested to the parties that, as an initial step, Mr. Feralio will attempt in the near term to prioritize materials responsive to Request No. 7 related to Louis Bacon. We also expressed our willingness to prioritize Mr. Feralio's review going forward based on input and direction from the parties.

Today, we will be sending to counsel for Nygard International Partnership and Nygard Inc. a hard drive containing approximately 178 GB of responsive materials in 872 separate files, Bates stamped SF00003616-SF00004487. Given the large number of potentially responsive files awaiting review, we estimate that Mr. Feralio's review will continue for months before the process is completed. We cannot provide a more exact prediction at this time, although we will endeavor to do so as we move forward.

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We are available to answer any questions the Court may have regarding our efforts. Per the Court's instructions, we will further update the Court next week on our progress.

Respectfully submitted,

s/ Steven D. Feldman

Steven D. Feldman

cc: Counsel for Petitioners (by ECF)  
Counsel for Nygard International Partnership and Nygard Inc. (by ECF)